

1 Jeffrey C. Matura, State Bar No. 019893  
2 **GRAIF BARRETT & MATURA, P.C.**  
3 1850 North Central Avenue, Suite 500  
4 Phoenix, Arizona 85004  
Telephone: (602) 792-1700  
Facsimile: (602) 792-1710  
Email: [jmatura@gbmlawpc.com](mailto:jmatura@gbmlawpc.com)

5 || Attorneys for Plaintiff Town of Colorado City

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

TOWN OF COLORADO CITY, an Arizona municipality,

Plaintiff,

12 V.

13 THE UNITED EFFORT PLAN TRUST,  
14 (Dated November 9, 1942, Amended April 10,  
15 1946, and Amended and Restated on  
16 November 3, 1998); and BRUCE WISAN,  
Special Fiduciary; RONALD COOKE and  
JINJER COOKE, husband and wife; ROBERT  
BLACK and JANE DOE BLACK, husband  
and wife.

### Defendants.

Case No. 3:11-cv-08037-DGC

**TOWN OF COLORADO CITY'S  
RESPONSE TO UTAH ATTORNEY  
GENERAL MARK L.  
SHURTLEFF'S MOTION TO  
INTERVENE**

Plaintiff Town of Colorado City does not agree with most of the facts and arguments the Utah Attorney General raises in its Motion to Intervene [Docs. 56 and 57]. Yet, Colorado City recognizes that the Utah Attorney General has raised sufficient arguments to support its Motion. Colorado City does not want to waste this Court’s time with unnecessary filings; therefore, Colorado City does not contest the Utah Attorney General’s Motion to Intervene.

Colorado City does, however, object to the Utah Attorney General's proposed order [Doc. 66-1] granting its Motion to Intervene. The proposed order contains factual and legal conclusions that this Court has not yet rendered. For example, the proposed order states that "the Utah AG has an interest in the property at issue, the United Effort

1 Plan Trust,”<sup>1</sup> which may not be true for the UEP property located within Arizona. The  
 2 proposed order also states that “the other parties to the litigation – including the Special  
 3 Fiduciary – may not be able to represent the Utah AG’s interests.”<sup>2</sup> Again, this is not yet  
 4 known. Finally, the proposed order states that the Utah AG has a “duty to ensure not only  
 5 that management of the Trust serves the beneficiaries, but also the people of the State of  
 6 Utah.”<sup>3</sup> The people of the State of Utah are not beneficiaries to the Trust. Their interests  
 7 in the Trust, if any, are therefore not yet known.

8 For these reasons, Colorado City requests that this Court reject the proposed order  
 9 from the Utah Attorney General. Instead, if this Court grants the Motion to Intervene,  
 10 Colorado City requests that it enter the proposed order attached as Exhibit 1 to this  
 11 response.

12  
 13 Dated this 22<sup>nd</sup> day of May 2012.

14 GRAIF BARRETT & MATURA, P.C.  
 15  
 16 By /s/ Jeffrey C. Matura  
 17 Jeffrey C. Matura  
 18 1850 North Central Avenue, Suite 500  
 19 Phoenix, Arizona 85004  
 Attorneys for Plaintiff Town of Colorado  
 City

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 26 <sup>1</sup> See Proposed Order [Doc. 66-1] at p. 2, line 3.  
 27 <sup>2</sup> Id. at p. 3, lines 6 – 7.  
 28 <sup>3</sup> Id. at p. 3, lines 8 – 10.

1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on May 22, 2012, I electronically transmitted the foregoing  
3 document to the Clerk's Office using the CM/ECF system for filing and transmittal of  
Notice of Electronic filing to the following CM/ECF registrants:

4                   Joni J. Jones  
5                   David N. Wolf  
6                   Assistant Utah Attorneys General  
7                   Office of the Attorney General  
8                   160 East 300 South, Sixth Floor  
9                   P.O. Box 140856  
Salt Lake City, Utah 84114  
Attorneys for Defendant / Intervenor Mark L. Shurtleff

10                  Michael L. Parrish  
11                  Alison Pulaski Carter  
12                  Stinson Morrison Hecker, LLP  
13                  1850 North Central Avenue, Suite 2100  
14                  Phoenix, Arizona 85004  
15                  Attorneys for Defendants United Effort Plan Trust  
and Bruce Wisan

16                  William G. Walker  
17                  William G. Walker, P.C.  
18                  177 North Church Avenue, Suite 700  
19                  Tucson, Arizona 85701  
20                  Attorneys for Defendants Ronald and Jinjer Cooke

21                  I hereby further certify that I served the attached document by first class mail on  
the following participant who is not a registered participant of the CM/ECF System:

22                  Robert Black  
23                  P.O. Box 789  
24                  St. George, Utah 84771  
Defendant Pro Per

25                  \_\_\_\_\_  
/s/ Karen McElroy

26                  4846-2709-6847